

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

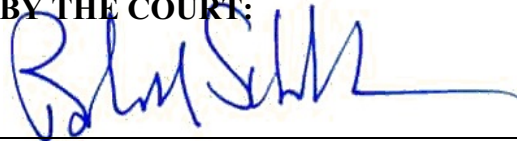
<b>UNITED STATES,</b>	:	
	:	<b>CRIMINAL ACTION</b>
<b>v.</b>	:	
	:	<b>No. 08-271</b>
<b>DAMIAN HICKS, et al.</b>	:	

**ORDER**

**AND NOW**, this 23<sup>rd</sup> day of **September, 2009**, upon consideration of Defendants' Motion to Dismiss Count One of the Indictment for Lack of Federal Subject Matter Jurisdiction, and the Government's response thereto; Defendants' Motion to Suppress Physical Evidence, the Government's response thereto, all replies thereon, following a hearing conducted on September 4, 2009, and for the reasons provided in this Court's Memorandum dated September 23, 2009, it is hereby **ORDERED** that:

1. The Motion to Dismiss Count One of the Indictment for Lack of Federal Subject Matter Jurisdiction (Document No. 36) is **DENIED**.
2. The Motion to Suppress Physical Evidence (Document No. 37) is **GRANTED**.

**BY THE COURT:**



---

**Berle M. Schiller, J.**